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Date: 2-2-04

Himanshu S. Amin

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s): Federico Garcea, et al.

Examiner: Haresh N. Patel

Serial No: 09/710,172

Art Unit: 2154

Filing Date: November 10, 2000

Title: SYSTEM FOR GATHERING AND AGGREGATING OPERATIONAL METRICS

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

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**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321**

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Dear Sir:

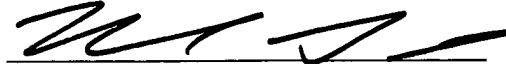
I, Himanshu S. Amin, represent that I am an attorney of record for U.S. Patent Application Serial No. 09/710,172, filed November 10, 2000, and entitled, "SYSTEM FOR GATHERING AND AGGREGATING OPERATIONAL METRICS." The owner, Microsoft Corporation, of 100 percent interest in the above-identified application hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 of U.S. Patent No. 6,789,046 and U.S. Patent No. 6,748,555, as presently

shortened by any terminal disclaimer, and it is hereby agreed that any patent so granted on the above-identified patent application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,789,046 and U.S. Patent No. 6,748,555, this agreement to run with any patent granted on the above-identified patent application and to be binding upon the grantee, its successors or assigns.

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Respectfully submitted,  
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